

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

**FILED**

JUL 25 2018

Clerk, U.S. District Court  
District Of Montana  
Helena

ERIK POWELL,

Plaintiff,

vs.

MONTANA STATE UNIVERSITY,  
DR. ROBERT MOKWA, JYL  
SHAFFER, JAMES SLETTEN, AND  
KATHARINE KUJAWA, employees  
of Montana State University, sued in  
his or her official and individual  
capacity, jointly and severally,

Defendants.

No. CV 17-15-BU-SEH

**ORDER**

The Court conducted a hearing on July 25, 2018, “to consider and address issues related to the form and substance of the claims asserted in the Third Amended Complaint, and the responses and defenses asserted in the Defendants’

Answer.”<sup>1</sup>

Upon the record made in open Court,

ORDERED:

1. Defendants’ Motion for Summary Judgment,<sup>2</sup> Plaintiff’s Motion for Partial Summary Judgment,<sup>3</sup> and Defendants’ Motions in Limine<sup>4</sup> are DENIED without prejudice to resubmission.

2. Plaintiff shall have to and including August 10, 2018, in which to file a Fourth Amended Complaint in replacement of the Third Amended Complaint.<sup>5</sup>

3. Defendants shall have to and including August 24, 2018, in which to file an amended pleading in response to Plaintiff’s Fourth Amended Complaint. Defendants’ amended responsive pleading shall include all defenses to the Fourth Amended Complaint claimed by Defendants and shall be accompanied by motions and briefs in support of defenses asserted by Defendants to be appropriate for submission.

4. Plaintiff may submit, promptly upon receipt of Defendants’ amended

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<sup>1</sup> Doc. 101.

<sup>2</sup> Doc. 64.


<sup>3</sup> Doc. 80.

<sup>4</sup> Doc. 86.

<sup>5</sup> Doc. 55

responsive pleading, any motion available to Plaintiff, directed to the Fourth Amended Complaint, with accompanying briefs in support.

DATED this 25<sup>th</sup> day of July, 2018.

  
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SAM E. HADDON  
United States District Judge